

THE HONORABLE FRANKLIN D. BURGESS

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL T. WARD and SINCERE  
WARD, husband and wife, and  
MICHAEL WARD, SR. and KAREN E.  
WARD, husband and wife,

Plaintiffs,

v.

CITY OF TACOMA, a municipal  
corporation, TACOMA POLICE  
DEPARTMENT, and Tacoma Police  
Officers ROBERT BAKER, JASON  
BROOKS, and BRIAN S. GARRISON,

Defendants.

NO. CV06-5099FDB

STIPULATION AND AGREED  
ORDER TO EXCLUDE TESTIMONY  
OF MYKEL HANKINS

**STIPULATION**

COME NOW the parties, by and through their attorneys, and stipulate to  
exclude the testimony of MYKEL HANKINS at trial and agree that MYKEL  
HANKINS will not be called as a witness to testify in this matter for trial.

For the purposes of this stipulation and order, the term "exclude" shall mean neither party will call MYKEL HANKINS as a witness in this matter and/or rely on written or oral testimony provided by MYKEL HANKINS.

DATED this \_\_\_\_\_ day of January, 2007.

ELIZABETH A. PAULI, City Attorney

LAW OFFICES OF  
LEMBHARD G. HOWELL

By: \_\_\_\_\_  
JEAN P. HOMAN  
WSBA #27084  
Attorney for Defendants

By: /s \_\_\_\_\_  
LEMBHARD G. HOWELL  
WSBA #133  
Attorney for Plaintiffs

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**ORDER**

Based upon the above stipulation,

IT IS HEREBY ORDERED that MYKEL HANKINS will not be called as a witness to testify at trial, and the witness testimony of MYKEL HANKINS will be excluded from this matter and shall be treated in accordance with the terms of the Stipulation.

DATED this 9<sup>th</sup> day of January 2007

A handwritten signature in black ink, appearing to read "Franklin D. Burgess", written over a horizontal line.

FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE



Presented by:

ELIZABETH A. PAULI, City Attorney

By:

\_\_\_\_\_  
JEAN P. HOMAN  
WSB #27084  
Assistant City Attorney  
Of Attorneys for Defendants

Approved as to Form:

LAW OFFICES OF LEMBHARD G. HOWELL

By:

/s \_\_\_\_\_  
LEMBHARD G. HOWELL  
WSBA #133  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, I electronically filed the foregoing and supporting affidavits with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Lembhard G. Howell, attorney for plaintiffs.

\_\_\_\_\_  
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